



State of Ohio Environmental Protection Agency

Southeast District Office

Front Street  
Columbus, OH 43138

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Bob Taft, Governor  
Christopher Jones, Director

December 12, 2001

RE: BELMONT COUNTY  
WPS-MARTINS FERRY  
RCRA-LQG  
OHD010448231  
CERTIFIED MAIL:  
7000 1670 0011 7996 3485

Mr. Bud Smith  
Environmental Director  
Wheeling Pittsburgh Steel Corporation  
1134 Market Street  
Wheeling, West Virginia 26003

Dear Sir:

On November 7 and 14, 2001, Ohio EPA conducted a compliance inspection of Wheeling Pittsburgh Steel Corporation's (WPSC) Martins Ferry Plant. The inspection was conducted to determine WPSC's compliance with Ohio's hazardous waste laws and regulations, as found in the Ohio Revised Code and Ohio Administrative Code (ORC and OAC, respectively). Based on the observations from this inspection and WPSC's Annual Report for 2000, WPSC has returned to compliance with the following, previously-cited regulation:

- i. Content of contingency plan, OAC Rule 3745-65-52(E).

The following violations were observed during this inspection. WPSC has 30 days from the date of this letter to respond to these violations:

1. **Prohibitions** ORC Rule 3734.02(E)&(F): No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter...

During the 1999 inspection, out-of-service equipment (the ARCO system duct work) containing hazardous waste was discovered in the "lay-down" yard, north of the Plant #1 building. Based on Ohio EPA's request for waste evaluation, this waste was found to be hazardous for lead and disposed as hazardous waste. Subsequently, WPSC identified more of this waste which was stored in the northern portion of the lay-down yard and placed it into a roll-off box and disposed of this additional hazardous waste (estimated at 4000 pounds) on July 2, 2001. I understand, based on discussions with WPSC personnel, that this ARCO system was removed or taken out of service in 1989 or 1990, prior to the installation of the current dry scrubber. Based on your air permit, this current scrubber system was installed in June 1990. Based on this information, WPSC has stored this hazardous waste illegally from at least June 1990 until July 2, 2001.



In order to demonstrate abatement of this violation, WPSC must demonstrate that no contamination remains from the ARCO scrubber waste that was stored at the lay-down yard. To make this demonstration, closure of this storage area in accordance with the requirements of OAC rules 3745-66-10 through 3745-66-20 (including submittal and implementation of an approved closure plan) is required. Additionally, WPSC must draft and implement waste management procedures, as discussed below in the Maintenance and Operation of facility violation cited below, to ensure that storage longer than 90 days will not recur. This facility will be subject to all applicable TSD standards as set forth in OAC Chapters 3745-65 through 3745-65-69 until this facility has demonstrated that it has ceased operation as a hazardous waste storage facility.

2. **Hazardous Waste Determination**, OAC Rule 3745-52-11: Any person who generates a waste in the State of Ohio shall determine if that waste is a hazardous waste using the following method: first determine if the waste is excluded from regulation under OAC Rule 3745-51-04, then determine if the waste is listed as a hazardous waste in OAC Rule 3745-51-30 to -35, and then determine if the waste is identified in OAC Rule 3745-51-20 to -24 by testing the waste using the methods in OAC Rule 3745-51-20 to -24 or by applying knowledge of the waste.

WPSC has not provided documentation of waste evaluations for the following wastes: A) paint waste in the former paint booth in Plant #1; B) gasoline free-product from the monitoring well; C) the waste paint (used for marking steel); D) industrial wipes from the electric repair shop; E) the "chemtreat" waste; F) baghouse dust; and G) the WWTP sludge (for all samples collected since October 29, 1999). WPSC will demonstrate compliance with this rule once these evaluations and the supporting documentation is received by this office.

3. **Purpose and implementation of contingency plan**, OAC Rule 3745-65-51(B): The provisions of the contingency plan shall be implemented immediately whenever there is a fire, explosion, or release (any unplanned, sudden or non-sudden release) of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

WPSC has not demonstrated that they implemented the contingency plan when they found that the ARCO scrubber waste, which had been released onto the ground and possibly into surface water, was a hazardous waste. This violation will be abated once WPSC demonstrates that facility personnel have been properly trained on implementing the contingency plan whenever any hazardous waste is released to air, soil or surface water, also see #15 (D) below.

4. **Amendment of contingency plan**, OAC Rule 3745-65-54(D): The contingency plan shall be reviewed and immediately amended, if necessary, whenever...the list of emergency coordinators changes.

WPSC has not updated the contingency plan to reflect the current environmental contacts. This violation will be abated once this office receives a copy of the revised plan.

5. **Emergency procedures**, OAC Rule 3745-65-56(J):... Within fifteen days after the incident (that requires implementation of the contingency plan, the owner or operator shall submit a written report on the incident to the director. The report shall include: 1) Name, address and telephone number of the owner or operator; 2) Name, address and telephone number of the facility; 3) Date, time and type of incident; 4) Name and quantity of material(s) involved; 5) The extent of injuries (if any); 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; 7) Estimated quantity and disposition of recovered material that resulted from the incident; and 8) Any other information the director may require.

WPSC did not report the release of the ARCO scrubber waste in the lay-down yard. This violation will be abated once the required report, with all required information, is submitted to the director and to this office.

6. **Accumulation time of hazardous waste**, OAC Rule 3745-52-34(C)(1): A generator may accumulate up to 55 gallons of hazardous wastes ...in containers at or near the point of generation where the wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph A of this rule...

WPSC is storing hazardous waste (gasoline free-product from a monitoring well) in a open storage building which is not under the control of the operator. To demonstrate compliance, WPSC must provide documentation which shows that this waste has been either properly manifested off-site, stored in a locked, protected area or stored in a <90 day hazardous waste storage area.

7. **Management of containers**, OAC Rule 3745-66-73(A): A container holding hazardous waste shall always be closed during storage, except when adding or removing waste.

WPSC had a drum of paint waste open (the ring was not tightened) and several buckets of paint residues were observed in the satellite accumulation areas by the 36" and 60" lines. This violation was cited for the same wastes during the 1999 inspection. At the time of the inspection, plant personnel said that the lock-top lids for the industrial wipes containers would be placed on these drums to help prevent this violation in the future. Photographs of the drums equipped with this type of lid is sufficient to demonstrate compliance.

8. **Used oil storage requirements for generators**, OAC Rule 3745-279-22(D): Upon detection of a release of used oil to the environment...which has occurred after the effective date of this rule, a generator shall perform the following cleanup steps: (1) stop the release; (2) contain the released used oil; (3) clean up and manage properly the released used oil and other

materials; and (4) if necessary to prevent further releases, repair or replace any leaking used oil tanks or containers prior to returning them to service.

We observed used oil on the pavement around the used oil container storage area where there was enough that vehicles were tracking it across the pavement and some soil staining was evident adjacent to the pavement. Better housekeeping of minor spills is needed in this area, photographs of cleanup of this area will be sufficient to demonstrate compliance.

9. **Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities**, OAC Rule 3745-270-07(A)(7) & (A)(8): (A)(7) If a generator determines he is managing a prohibited waste that is excluded from the definition of hazardous waste or waste, or is exempt from regulation as a hazardous waste under rules 3745-51-02 to 3745-51-06 of the OAC subsequent to the point of generation...including wastes managed in wastewater treatment systems subject to CWA... he shall place in the generator's files a one-time notice describing such generation, subsequent exclusion...or exemption from regulation...and the disposition of the waste; (A)(8) Generators shall retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this rule for at least three years from the date that the waste that is subject to this documentation was least sent to on-site or off-site treatment, storage or disposal.
- A) WPSC has not provided a copy of the required one-time notification for the acid and alkali baths and sludges (D002) which are treated in WPSC's WWTP. Compliance can be demonstrated by submitting a copy of this notification to this office.
- B) WPSC does not maintain this documentation on-site but at their Wheeling WV. office. In addition to the waste evaluations cited above under Waste Determination (as cited in #2 above), copies of ALL waste evaluations, certifications, and notices must be maintained on-site as stated above. This includes the notice for the treatment of the acid and alkali sludges in the WWTP. WPSC will demonstrate compliance with this rule once this office has received the specific documentation cited and WPSC demonstrates that this documentation will be maintained on-site.
10. **Closure Plan**, OAC Rule 3745-66-12(A): The owner or operator of a hazardous waste management facility shall have a written closure plan.

WPSC does not have a closure plan for the lay-down yard hazardous waste storage area. A formal closure plan is warranted based on the period of storage, the contaminant involved (lead), the release potential (the waste was not stored in closed containers) and data indicating the presence of lead in the nearby storm drain basin and rinseate data from the 1996 closure which was performed adjacent to this area. This closure plan should be prepared in accordance with Ohio EPA's Closure Plan Review Guidance for RCRA Facilities, March 1999. This violation will be abated once the closure plan for this area is received by this office and Ohio EPA's Central Office.



11. **Security**, OAC Rule 3745-65-14:(C) Unless exempt under paragraph (A)(1) and (A)(2) of this rule, a sign with the legend "Danger-Unauthorized Personnel Keep Out" shall be posted at each entrance to the active portion of the facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion.

During the inspection, we observed evidence that trespassers were in portions of the facility where hazardous wastes are stored. The required signs must be posted in the appropriate locations and photographs provided of the posted signs to demonstrate compliance with this rule.

12. **General inspection requirements**, OAC Rule 3745-65-15: (A) The owner or operator shall inspect the facility on a weekly basis for malfunctions and deterioration, operator errors, and discharges which may be causing or which may lead to release of hazardous waste constituents to the environment or that cause a threat to human health. (B) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices....(D) The owner operator shall record inspections in an inspection log or summary.

WPSC has not developed a written schedule for facility inspections and does not perform these inspections. WPSC will demonstrate compliance with this rule once the written schedule containing all necessary information and two weeks worth of the completed logs or summaries of the inspections are received.

### **Outstanding Violations from the 1999 Inspection**

No actions are required at this time for the following violations(#13 & #14, below) cited during the 2001 inspection. These will be abated once WPSC completes the activities contained in an approved closure plan for the lay-down area.

13. **General waste analysis**, OAC rule 3745-65-13;
14. **Operating record**, OAC rule 3745-65-73.

On June 8 to 11, 1999, Ohio EPA and USEPA conducted a multi-media compliance inspection of this facility. Based on the information provided and observations made during the inspection, Ohio EPA sent a Notice of Violation (NOV) to WPSC on August 26, 1999. Ohio EPA received WPSC's response on December 13, 1999. A second NOV was issued on June 30, 2000. A partial response, pertaining to the ARCO scrubber waste was received on December 4, 2000. A third NOV was issued March 19, 2001, and the response to the third NOV was received on April 23, 2001. The fourth NOV was sent on August 2, 2001; however, no response was received. A fifth NOV was sent on September 19, 2001. **A response to that letter was received on October 15, 2001; however, it contained insufficient information and no documentation to demonstrate compliance for any of the cited violations.** WPSC has 15 days from the date of this letter to respond to these following violations.

15. **Personnel training**, OAC Rule 3745-65-16(A)(2)&(3),(B)&(D): (A) This program...shall include instruction...including, but not limited to, contingency plan implementation. (B) Facility personnel shall successfully complete the training program within six months after date of employment or assignment to the facility, whichever is later. (D) The owner/operator shall maintain the following training documents and records at the facility: job title and the employee's name for each position related to hazardous waste management; written job description for each position; a written description of type and amount of both introductory and continuing training that will be given each person filling a position; and records demonstrating that the training required under this rule has been given to, and completed by, facility personnel.
- A. WPSC's December 1999 response provided some job titles/descriptions for some personnel at this plant. However, no job title/description was provided for the following personnel whose duties include those related to waste management activities or to actions taken during emergencies (such as releases/implementation of the contingency plan): the plant's environmental coordinator, other plant management personnel, personnel who complete manifests and LDR forms and plant guards. The April 2001 response did not address this requirement.
  - B. No documentation has been provided which indicates that WPSC maintains a written description of the type and amount of introductory and continuing training given to each person filling a position, which is required to receive this training under part D(1) of this rule. The December 1999 and April 2001 responses did not address this requirement. To demonstrate compliance, a copy of the training records for an affected employee should be provided to this office.
  - C. WPSC has not provided documentation which indicates that employees, either new employees or ones who have recently been assigned to positions which are required to receive this training, have received this training prior to working in unsupervised positions, as required by part (B) of this rule. The December 1999, April and October 2001 responses did not address this requirement. To demonstrate compliance, WPSC should provide: 1) a statement that this training will be provided to the affected employees and 2) documentation which demonstrates that some tracking system is being used which indicates when these employees have received this training.
  - D. During the November 2001 inspection, WPSC provided written documentation for training held in February of 2001. The documentation for training held in Oct/Nov was not yet available. However, this documentation did not cite all the required training subjects as listed in this rule, specifically, contingency plan implementation. This information must be included in the training program, as required in part (A)(2) of this rule. The December 1999 and April 2001 responses did not address this

requirement. An outline or summary of the training that indicates that the required information was provided to employees would be sufficient to demonstrate compliance with this portion of this rule.

16. **Maintenance and operation of facility**, OAC Rule 3745-65-31: Facilities shall be maintained and operated to minimize the possibility of a fire, explosion or any release of hazardous waste constituents to air, soil or surface water.

- A. At the time of the June 1999 inspection, WPSC had accumulated at least five different wastes in a remote portion of the facility, north of the Plant #1 building. These wastes had not been evaluated, labeled, dated or been placed into proper containers. In response to Ohio EPA's concerns voiced during the June 1999 inspection, WPSC sampled the wastes. One waste, from the former ARCO scrubber system was determined to be a D008 waste. This waste was not in a container and some of the waste had washed onto the ground and possibly into a nearby storm drain. Similar violations regarding hazardous waste storage were discovered during the September 1994 inspection. Several unidentified wastes, including at least 4 drums of hazardous waste, were stored in this same area for an unknown time period. WPSC's December 1994 response stated that a guard is used to control access to this area and that "the plant environmental contact" is responsible for materials placed in this area. The statement in the April 2001 response, that "plant personnel have been reminded to prevent exposure of waste materials to the environment" is not adequate to abate this violation. Based on the violations cited in the 1994 and 1999 hazardous waste inspections, it is obvious that the controls WPSC have used to identify, evaluate and manage wastes at this plant are inadequate.

Compliance with this rule will be demonstrated when WPSC provides documentation to this office which indicates that this plant has implemented procedures for properly identifying, evaluating and managing all wastes that are generated on-site and for decontaminating tanks or other equipment which may contain hazardous wastes when they are taken out of service.

- B. During the inspection, extensive staining (see attached photograph) was observed under the process line where Chemtreat is applied to the steel. This leakage/spillage must be cleaned up and properly disposed (D007 hazardous waste when it is spilled/waste) and any leaks found must be repaired. Please provide photographs of this area once it has been cleaned and describe whether any repairs or modifications have been made prevent future leaks or spills.

**GENERAL COMMENTS**

1. Several unlabeled drums were observed in the oil house (please see attached photographs). Some drums were quite rusted and in questionable condition and their contents were not readily identified by plant personnel (one drum was tagged with a question mark). One



December 12, 2001

Page 8

container, of Dolphin Alkali Cleaner, was leaking. If not properly managed, these materials could become hazardous wastes or could be released to the environment or threaten human health. Please provide information on the contents and usability of these unlabeled containers: A) the three rusty drums on a pallet, one tagged with a question mark; B) the two unidentified drums in the empty used oil container area; C) the pallets of rusty paint buckets. If any materials are not usable, waste determination must be performed and provided for review.

2. During the inspection, we observed that a monitoring well riser had been damaged and the well could no longer be closed and locked. This well should be addressed so it may be closed and locked, or properly abandoned if no longer needed, to prevent contamination or accidental entry of contaminants into the aquifer.

Failure to list specific deficiencies or violations in this letter does not relieve WPSC from the responsibility of complying with all applicable regulations. This letter does not relieve WPSC from liability for any past or present violations of the State's hazardous waste laws and regulations. If you have any questions regarding pollution prevention or recycling, please refer to the Office of Pollution Prevention's website at [www.epa.state.oh.us/opp/](http://www.epa.state.oh.us/opp/).

I have attached copies of the checklists used to evaluate your facility and copies of the photographs taken during the inspection. Should you have any questions concerning the above, please call me at this office.

Sincerely,



Richard Stewart  
District Representative  
Division of Hazardous Waste Management

RS/jg:lp

Attachments

cc: Harry Page, WPSC-Wheeling  
Pat Smith, WPSC-Steubenville South  
Tammy McConnell, DHWM, CO  
Jeanette Smith, DHWM-CO  
Gregory Poulos, AGO  
Robert D. Smith, USEPA Region V